

HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR
HOUSE BILL 1101

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
ENACTING THE CHARTER SCHOOL DISTRICT ACT OF 2005; PROVIDING
PROCEDURES FOR A SCHOOL DISTRICT TO BECOME A CHARTER SCHOOL
DISTRICT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Public School Code is
enacted to read:

"[NEW MATERIAL] SHORT TITLE.--Sections 1 through 8 of this
act may be cited as the "Charter School District Act of 2005"."

Section 2. A new section of the Public School Code is
enacted to read:

"[NEW MATERIAL] DEFINITION.--As used in the Charter School
District Act of 2005, "charter school district" means an
existing school district that operates under a charter approved

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1 by the department, that is nonreligious, that does not charge
2 tuition and that does not have admission requirements in
3 addition to those found in the Public School Code."

4 Section 3. A new section of the Public School Code is
5 enacted to read:

6 "[NEW MATERIAL] CHARTER SCHOOL DISTRICT APPLICATION
7 REQUIREMENTS--PROCESS.--

8 A. Before a school district applies for a charter
9 from the department, the local school board shall adopt a
10 resolution approving the application plan and hold at least two
11 public hearings on the matter. The school district shall
12 advertise the charter school district application plan in the
13 same manner as other legal notices of the school district. In
14 addition, the school district shall send a notice to the
15 principal of each school in the district, with instructions
16 that each school distribute the notice to the families whose
17 children are enrolled in the school. The local school board
18 may amend the charter school district application after the
19 public hearings. The local school board shall vote to approve
20 the final application before the school district submits it to
21 the department.

22 B. Not less than sixty-five percent of the
23 employees of the school district must sign a petition in
24 support of the school district becoming a charter school
25 district.

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1 C. The department shall establish by rule the
 2 process and requirements for applying for charter school
 3 district status and the process and requirements for renewing
 4 charter school district status. In each case, the department
 5 shall hold a public hearing.

6 D. The department shall approve no more than nine
 7 charter school districts altogether, three small, three medium
 8 and three large districts as determined by the department.

9 E. The department shall disapprove an initial
 10 application or application for renewal of charter school
 11 district status when it determines, after a hearing, that the
 12 application is not in the best interests of the students, the
 13 school district or the community."

14 Section 4. A new section of the Public School Code is
 15 enacted to read:

16 "[NEW MATERIAL] CHARTER CONTRACT.--

17 A. The local school board of a school district that
 18 meets the requirements for a charter school district shall
 19 enter into a contract with the department establishing its
 20 charter to operate as a charter school district for five years.

21 B. The contract shall reflect all agreements
 22 regarding the operation of the charter school district. The
 23 terms of the contract may be revised at any time with the
 24 approval of both the department and the charter school
 25 district.

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1 C. The charter shall include:

2 (1) assurances that the charter school
3 district shall comply with state laws pertaining to
4 accreditation, state educational standards, assessment and
5 accountability and financial requirements;

6 (2) a statement of mission and purpose for the
7 operation of the charter school district, including the charter
8 school district's goals and objectives;

9 (3) evidence that the charter school
10 district's educational and operational plans are economically
11 sound and comply with all state and federal laws and rules;

12 (4) a description of the charter school
13 district's educational programs and student performance
14 standards and curriculum that must meet or exceed department
15 standards and must be designed to enable each student to
16 achieve those standards;

17 (5) a description of the way the charter
18 school district's educational program will meet the individual
19 needs of the students, including students with disabilities and
20 students determined to be at risk;

21 (6) an explanation of the relationship that
22 will exist between the charter school district and its
23 employees and a description of the way the terms and conditions
24 of employment will be addressed with affected employees; and

25 (7) a description of all waivers from

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1 department rules requested and granted.

2 D. The charter school district shall:

3 (1) continue to operate as a public,
4 nonsectarian public school district and operate in the same
5 geographic boundaries that existed for the school district
6 prior to becoming a charter school district;

7 (2) receive state money as provided in the
8 Public School Code;

9 (3) provide special education services as
10 required by state and federal law;

11 (4) be liable for timely payment on its bonded
12 indebtedness and subject to the same bonded indebtedness
13 limitations as it was before becoming a charter school
14 district; and

15 (5) be subject to all state and federal laws
16 and constitutional provisions prohibiting discrimination on the
17 basis of disability, race, creed, color, gender, national
18 origin, religion, ancestry or need for special education
19 services.

20 E. The charter school district shall be accountable
21 to the department for ensuring compliance with its charter and
22 applicable state and federal laws and rules.

23 F. Employees of a charter school district shall be
24 considered continuous employees without interruption of
25 employment pursuant to the School Personnel Act and shall be

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1 afforded procedural due process rights and protection.

2 G. The governing body of the charter school
3 district shall continue to be the local school board."

4 Section 5. A new section of the Public School Code is
5 enacted to read:

6 "[NEW MATERIAL] CHARTER SCHOOL DISTRICT RESPONSIBILITIES--
7 EXEMPTIONS FROM PUBLIC SCHOOL CODE.--

8 A. The charter school district shall promulgate
9 policies to ensure that the individual needs of students and
10 schools in the district are met.

11 B. The charter school district is exempt from
12 provisions of the Public School Code and rules adopted pursuant
13 to that act pertaining to the individual class load, teaching
14 load, length of the school day, staffing patterns, subject
15 areas and instructional materials.

16 C. The department may waive other requirements the
17 secretary deems appropriate."

18 Section 6. A new section of the Public School Code is
19 enacted to read:

20 "[NEW MATERIAL] RENEWAL OF CHARTER.--

21 A. A charter for a charter school district may be
22 renewed for successive periods of five years each.

23 B. Before it submits an application for renewal to
24 the department, the local school board shall hold a public
25 hearing to adopt a resolution approving the application for

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1 renewal.

2 C. A charter school district renewal application
3 submitted to the department shall contain:

4 (1) a report on the progress that the charter
5 school district has made toward achieving the goals of its
6 charter;

7 (2) a list of schools in the charter school
8 district that have made adequate yearly progress;

9 (3) a list of schools in the charter school
10 district that have not made adequate yearly progress, together
11 with an indication of the school improvement status of each of
12 those schools;

13 (4) a petition in support of the charter
14 school district renewing its charter school district status
15 signed by not less than sixty-five percent of the employees in
16 the charter school district;

17 (5) a resolution by the local school board
18 requesting renewal of the charter; and

19 (6) any other information that the department
20 deems appropriate."

21 Section 7. A new section of the Public School Code is
22 enacted to read:

23 "[NEW MATERIAL] EVALUATION--GROUNDS FOR NONRENEWAL,
24 PROBATION OR REVOCATION OF CHARTER.--

25 A. The department shall provide ongoing evaluation

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1 of the charter school district's compliance with accreditation
2 and state laws pertaining to state educational standards,
3 assessment and accountability and financial requirements.
4 Department staff shall visit the charter school district at
5 least once each year to provide technical assistance and to
6 determine the status of the charter school district and the
7 progress of the charter school district toward the goals of its
8 charter.

9 B. If the department finds that the charter school
10 district is not in compliance with its charter or with any
11 applicable state or federal law or rules, or is not in the best
12 interests of the students, the school district or the
13 community, the department may revoke the charter or place the
14 charter school district on probationary status."

15 Section 8. A new section of the Public School Code is
16 enacted to read:

17 "[NEW MATERIAL] REPORT TO THE LEGISLATIVE EDUCATION STUDY
18 COMMITTEE AND THE GOVERNOR.--Each December, the department and
19 each charter school district shall report to the legislative
20 education study committee and the governor regarding the
21 progress that each charter school district has made toward
22 achieving the goals of its charter."

23 Section 9. REPEAL.--Sections 22-8C-1 through 22-8C-7 and
24 22-8D-1 through 22-8D-7 NMSA 1978 (being Laws 1999, Chapter
25 293, Sections 1 through 7 and Laws 2003, Chapter 434, Sections
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1 1 through 7) are repealed.

2 Section 10. EFFECTIVE DATE.--The effective date of the
3 provisions of Section 9 of this act is July 1, 2005.

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